PROPOSED NEW RAILWAY

Projectors of the I., C. & R. Confident the Line Will Be Speedily Built.

Will Give Indianapolis a New Outlet to the South, and Will Cass through a Section Devoid of Transportation Means.

A number of persons interested in the building of the Indianapolis, Chattanooga & Rockport read met at the Denison House yesterday afternoon for a conference. Gen. B. R. Cowan, of Cincinnati, president of the company, was present, and seems sanguine that the road will be built. F. Patrick, of Columbus, Ind., is equally enthusiastic. People along the proposed line are disposed to take hold, secure right of way and vote subsidies such as will secure the building of the road. Much of the distance the line, as now projected, will pass through territory which has no railroad facilities. It will open up some fine hardtimber land, excellent stone-quarries, and be a road which will greatly benefit Indianapolis. Coming in from the south it can easily zet into the city by using the old canal bank. During the winter it is proposed to take all the preliminary steps looking to commencing construction in the early spring. It is believed that after the right of way is secured and the subsidies bonds what additional money is needed to complete and equip the road. It is quite significant that the enterprise has reached such a stage that the officials of the Pennsylvania Company are casting about to see if its construction will damage either of their southern lines, the Louisville division or the Indianapolis & Vincennes. Nothing Discouraging in the Outlook.

The several prominent railroad officials who were in the city on Wednesday, without exception, took a rosy view of the outlook for railroads. Freight traffic is limited only by the cars which can be commanded, and the outlook for passenger business the coming two years, at least, is highly satisfactory. The preparations for the world's fair will draw a good deal of travel to Chicago in 1892, as well as the fair steelf in 1893, and Chicago cannot be reached without going over some one of the Indiana or Illinois roads. Another favorable thing is the seemingly satisfactory scale of wages paid to men employed in the various departments of railroad service. It is many years since so long a period has passed without strikes or delay in movement of trains. These officials, in speaking of the freight service, say that navigation is now practically closed, and traffic comes entirely to the railroads, which means six months, at least, of heavy business, and, as a consequence, the earnings of the roads will show decided increase, greater than in the past, as comparisons be made with small earnings in the first eight months of 1891; then, rates are well maintained, said one of the presidents, and such condition is likely to continue while business is heavy. The roads now have more than they can attend to. They have not cars to supply the demands of shippers, and have no reason to go to war. The economies which have been introduced the last two years are an important item. It does not mean, said one of the officials, that the service has been impaired; on the other hand, it means in many cases an improve-ment. Betterments have been made of a character so substantial that the expendi-

tures for repairs have been largely reduced.

Heavier lecomotives have been purchased

and heavier trains are hauled without in-

creased expense. When questioned as to

the benefit of the car-service associations,

the opinion seemed unanimous that they

were doing much in moving business

promptly, and the scarcity of cars would

be much more seriously felt but for these

organizations at all important railroad cen-May Abolish Second Class Rates, A mass-meeting of general passenger agents, representing the Eastern roads, at Chicago yesterday discussed the question of abolishing second-class rates. It is particularly desired to abolish these rates between Chicago and points in Ohio where they have been causing considerable trouble of late. The majority of the lines are in favor of doing away with secondclass rates altogether in the territory of the Central Traffic Association, and this will probably be the outcome of the movement. Another matter before the meeting is a circular issued by the Allan steamship line quoting a thirty-six-dollar steerage rate from Chicago to European ports, and offering \$6 commission on every ticket sold. The second-class rate, Chicago to the sea-board, is \$16, which, deducted from the through rate after the commission is paid, would leave but \$14 for the steamship company. The regular ocean rate is \$24. It is suspected that some of the roads, in their eagerness to secure this business, are stand-

ing a portion of the reduction. New Freight Rates. The December meeting of the Central Traffic Association has just closed. Author-Ity was given the Pennsylvania Company to reduce class and commodity rates between Chicago and various Indiana and Ohio points to the same basis now in effect between these points and Cleveland, in order that the company may forward trathe to and from Cleveland over its own route via Alliance. Chairman Blanchard was requested to arrange an early meeting of lines interested in ice traffic, for the purpose of fixing winter rates on ice from the various producing points to points in the territory of the association. It was decided that the same rates may be applied for Chicago to Benton Harbor and St. Joseph, Mich., that are in effect from Benton Harbor and St. Joseph to Chicago, These are: First-class, 22 cents; second, 18; third, 13; fourth, 10; fifth, 8; sixth, 7; grain and lumber, 7. These rates will take effect Dec. 15. A rate of 12 cents per 100 pounds was authorized on salted, packed or bulk effect Dec. 16.

Personal, Local and General Notes. John W. Caskey, passenger conductor on the Vandalia, is seriously ill. W. C. Hoch has been appointed agent of the Lake Shore road at Millersburg, Ind.,

vice C. M. Shryer, resigned. The Big Four lines earned in November \$1,173,452, an increase of \$3,568 over the earnings of November, 1890,

The Elgin, Joliet & Eastern road, which last month so disturbed east-bound through rates, earned in November \$17,503 more than in November, 1890. The Indianapolis, Decatur & Western,

the first eleven months of this year, shows an increase in gross errnings over the corresponding period of 1890 of \$19,884. Irving H. Young, who died at Clinton,

la., so unexpectedly, on Wednesday last, was formerly purchasing agent of the Nickelplate, and an exceedingly popular railroad

President lugalls denies the report that he will purchase the Indiana Midland in the interest of the Big Four, or for an independent line. It's not the sort of road he | grounds. is looking for. Dr. J. H. Talbert, medical examiner of

the Pennsylvania Voluntary Relief Associstion at this point, has gone to Cleveland to attend the annual meeting of the medical examiners of the lines west of Pitts-

H. M. Bronson, assistant general passen-ger agent of the Big Four, is in Chicago representing the road at the passenger meetings, General Passenger Agent Martin not having returned from his Southwestern pleasure trip.

The Toledo, St. Louis & Kansas City is getting its affairs in such shape as to take the position of a first-class road between Toledo and St. Louis, running time parlor cars on its day trains as well as Pullman

-

official of another system of roads properly credited this to the traffic managers of the two lines, who are untiring in their efforts to get business, avoid red-tape methods and have no drones in their employ.

The last year the Big Four has paid nearly 55 per cent, of the expenses attached to operating the Union railway, the Belt road and Union Station. Its heavy traffic swells its per cent., as the expense of using the tracks is paid on a mileage basis.

On June 30 the Wabash was nearly \$100,-000 behind in its earnings this year as compared with the first six months of 1890; now the road is \$665,613 ahead of the corresponding period of 1800, having earned in the first eleven months of 1891 \$12,605,-

The movement of life stock is now so heavy that the roads which have been so opposed to the use of cars in hauling stock elonging to private companies are throwing aside their prejudices and are glad to get anything they can to move the business

The freight conductors on the South-western system of the Pennsylvania lines have organized a division of the Order of Railway Conductors. There were twenty charter members, and it is expected that the membership will reach one hundred within a short time.

The division superintendents of the Pennsylvania lines west of Pittsburg in the Southwestern system are in Columbus, O. for conference with General Superintendent Miller. At these meetings recommendations of the division superintendents as regards improvements next year will be considered.

President Ingalls atludes to the Peoria & Eastern as a "snide" road, yet in November it made a better showing of earnings proportionately than did the Big Four, earning \$151,897, which was an increase of \$31,right of way is secured and the subsidies | 219 over those of November last year, voted there will be no trouble in raising on | while the Big Four system shows an increase of only \$3,568.

General Superintendent Peck, of the Big Four lines, and Division Superintendents Van Winkle and Wells are inspecting the St. Louis division, which will come under Mr. Wells's supervision after Jan. 1. The official party is accompanied by F. P. Boatman, superintendent of motive power, and Superintendent of Telegraph Higgins.

The New York Central in November earned, gross, \$4,040,987, turning the fourmillion mark for the first time in its history. The increase this year was nearly \$1,-000,000 over November, 1890, it being, \$941, 406. This is a gain of more than a quarter million dollars over the largest earnings ever known on the system. It is expected that December will make about as favoramuch to do with this.

E. A. Ford, general passenger agent of the Pennsylvania lines, is in the West, and yesterday had a conference with Vicepresident McCrea, who is in Chicago. What steps to take in the commission question, it is said, is not worrying the Pennsylvania people, as they claim that should all the roads but the Pennsylvania and Vanderbilt lines pay commissions it would not cut down their business more than 5 per cent., and they can better afford to loose this than pay commissions.

A freight official who has just visited Buffalo states that a peculiar condition of things exists there, and he sees but little hope that Western roads are to receive much relief in the way of furnishing cars for some time to come. The elevators are being relieved by the roads as fast as possible, but there are two bushels of grain to go in for every one taken out from the large number of vessels awaiting an opportunity to unload, and until this business is cleared up he cannot see where many cars are coming from, as the trunk lines are using every car of Western lines they can readily get hold of.

The Railway Age and Northwestern Railroader, in its issue of this week, will publish a letter from Judge Cooley, containing that gentleman's emphatic denial of the expressions attributed to him some weeks ago in a daily newspaper interview, which was largely quoted and commented on by papers throughout the country. In that interview Judge Cooley was repre-sented as saying that "the government regulation of ratiroads is a dismai failure," and that he could see "no way out of the darkness but in government ownership of the roads." In his letter Judge Cooley says: "I beg to say that any such state-ment is wholly without warrant. I have never said anything of the kind, or anything which would warrant any one in concluding that I held either of the opinions

which are imputed to me, as above." Private cattle-car companies have been multiplying with such rapidity of late as to attract much attention among railway men and cattle shippers. The railroad managers have viewed the introduction of this comparatively new factor in railway transportation with anything but friendly feelings. At first there was a disposition to oppose the introduction of the improved cars, but the introduction of the cars by a few roads compelled others to follow suit. The business has grown to such an extent as to warrant the roads in introducing their own cars and thus secure themselves the mileage profits. The private lines are beginning to feel the pressure due to the increased competition, and charges of rate cutting are already circulating freely. A Kansas City company is claimed to be the chief offender.

The Pennsylvania Company, through its connection with some of the Western lines, has hit upon a novel plan of relieving itself somewhat of its scarcity of cars. The Chicago & Northwestern has something of a surplus of cars. Some of the grain shippers are very anxious to get their grain to the Eastern markets, and an arrangement has been effected by which several hundred grain cars will be loaded and transferred at Chicago to the Pennsyl vania lines, the latter to run them through to the sea-board as solid trains, and as soon as emptied return them in solid trains, not waiting an opportunity to load them. The Illinois Central has also a large quantity of cotton, and to move it it has proposed to the Vandalia and the Pennsylvania companies that the Central allow its cars to go as far as Pittsburg, there to be unloaded and promptly returned. Under this arrangement yesterday two hundred of the Chicago & Northwestern cars, loaded with grain, were forwarded over the Panhandle ines in eight trains, and fifty-three of the Illinois Central cars, laden with cotton, in two trains.

BOARD OF AGRICULTURE

Meets to Discuss Important Business-Four Farms to Be Visited.

President Banks and Treasurer Johnson, of the State Board of Agriculture, met at meats from Cleveland to Cincinnati, taking | the board's rooms at the Capitol, yesterday afternoon, to discuss a few matters with relation to the first payment of the purchasers of the present State fair grounds, and to appoint a time for the entire board to visit the four farms. President Banks reported that E. B. Martindale, one of the new owners of the present grounds, is not quite ready to make the required one-third payment, but is in Chicago now, and upon his return will be ready. They have until Dec. 20, so nine days remain yet. A list of questions has been sent to each of the railroads which run by the four farms, from which a selection is to be made, asking them what accommodations they will guarantee as to transportation, switches, fair trains, material to be used in first construction, and other matters in which the board is directly interested.

The Miller farm is situated on the Big Four, the Shimer on the C., H. & D., the Voss on the Monon and the Moore on the Vandalia. No particular date was set for visiting the four tracts, but it will be done at the same time the board receives its first payment from the purchasers of the present

Carmen's Union Organized. A local division of the Brotherhood of Carmen was organized, with twenty-two harter members, at Brightwood, Wednesday night. Deputy State Organizer John Groff officiated and addressed the meeting. Among the other speakers was Mr. Martin, editor of the Firemen's Journal, published in this city.

Building Permits.

Building permits were yesterday issued to the following persons: Albert Bourman, cottage, Singleton street, \$250; H. Wishmeyer, frame stable, Sanders street, \$100.

IS READY TO PAY ITS DEBTS

State Board of Agriculture Petitions the Court for a Trustee.

Mixed Up Mess for Marrow-Gas Trust Case Argued-Miscellaneous Matters Before the Courts.

The State Board of Agriculture yesterday applied to the Circuit Court to appoint a trustee of certain bonds, to fill a vacancy created by the death of William H. Morrison, which occurred in 1881. The board nominated Theodore P. Haughey, and Judge Brown appointed him, as desired. No bond will be required of him, as the bonds will be only indirectly handled by

The petition for the appointment recites the fast of the issuance of sixty bonds, of denominations of \$1,000, in January, 1876, payable five years after date, and drawing 8 per cent. interest. The bonds were issued to William H. Morrison, and were secured by mortgage. When they became due the Legislature authorized the board to make a new issue for the same amount, at interest not exceeding 6 per cent., the money to be used in taking up the former loan. bonds were made payable ton years, but were redeemable after five years on sixty days' notice. The loan was negotiated through the banking-house of John A. Hambleton & Co., of Baltimore. Since the expiration of the five-year limit, the board has paid \$31,000 of the debt, and now that it has sold the real estate

mortgaged for security, it desires to pay

the balance. It was, therefore, necessary to appoint a trustee. A Suit of Many Stripes. Samuel L. Marrow is figuring in a suit, on trial in Judge Walker's court, against Lettie Cook, for possession of a house near Crown Hill belonging to the plaintiff. The defendant is a blind woman. She testified that she was put in charge of the house, which was furnished, in the capacity of a housekeeper for May Woodrum, and was to pay \$8 per month rent, but was to receive \$5 per week for the young lady's board. She testified also that Miss Woodrum, who is employed in Marrow's office, said she had become a victim of Marrow. The girl lived with her for several months and then left. She is a daughter of the woman who sued Marrow for breach of contract and for the seduction of her daughter, which suit was dismissed in Judge Harper's court on Wednes-She was put on the stand, denied the alleged reason of her taking up her abode with Mrs. Cook. Her testimony was in support of the plaintiff's side of the case. Her appearance is that of a pretty miss of sixteen years. The evidence was all in vesterday, and argument will begin before the jury to-day. The case is one of appeal, having been de-

favor of the defendant. Gas Trust in Court Again. The suit of Herman Ackelow, jr., vs. the Consumers' Gas Trust Company, a complaint for mandamus, was in court yesterday, before Judge Brown, on the plaintiff's demurrer to the answer of the defendant. The point in question was as to the time meant by thirty days notice, which the plaintiff claims was necessary in order to make an increase in his gas rates permissible under the contract. Judge Howe, for the plaintiff, contended that at least thirty days' notice should be given, and Judge Lamb, for the defendant, held that a reasonable time within the thirty days is the meaning of the stipulation. The court has reserved the ruling.

cided once in Justice Alford's court in

Reminiscence of a Boom. A suit to quiet title, entitled Edwin P. Ferris vs. Eugene Udell et al., yesterday recalled in the Circuit Court some realestate transactions local to North Indianapolis. The ground in question was laid out by Udell and others, and was sold to the wagon-works which was established there, and which afterward failed. The sale to the plaintiff was complicated by the failure, casting a cloud upon his title, which he is seeking to have removed.

Grand Jury and the "Mob." The grand jury is busy with a continual stream of witnesses. The evidence as to the mob demonstration at the jail is not as specific as it was thought it would be. The jurors, it is said, are convinced there was no actual intent at mob violence, except on the part of three or four men. It is safe to say these will be indicted.

McCord Found Guilty. W. S. McCord, the ex-patrolman, was yesterday found guilty by the jury, in Justice Smock's court, of deserting his family, and was fined \$10 and costs. The jury was out about an hour and a half.

Docket Notes. Louis Richter's suit against the Citizen's Street-railroad Company for \$1,000 dam-

ages was yesterday dismissed in Judge Walker's court. Frederick W. Baugher's suit against the Muns Belting Company, for balance due on account of salary as traveling agent,

went to the jury yesterday. The trial of Stevenson vs. the Ætna Insurance Company, on a policy, was taken up yesterday with testimony as to the value of the stock of goods and the amount of damage done by the fire. Several firemen were on the stand to testify as to the effects of the chemical used in putting out the flame. The defense had the first witness on the stand when the court adjourned for the day.

William Beasley et al. are suing Isaac Robey for damages for breach of contract in the Superior Court, the demand being \$105. The plaintiffs aver that they took a vicious and uncontrollable horse belonging to the defendant, to break to use, on agreement that they might have its labor until April 1, 1892. The horse was made tractable and valuable, and was taken from them, it is alleged, on Nov. 11 without

The Court Record.

SUPREME COURT OPINIONS. 15262. City of Noblesville vs. L. E. & W. R. R. Co. Hamilton C. C. Affirmed. Elliott, C. J.-In 1849 William Conner, the owner of land, made a plat of an addition to the town of Noblesville, entitling it thus: "Donation by William Conner for depot at Noblesville. Addition to Noblesville." Spaces are given on the plat representing streets and alleys and a space is designated for a "depot building." The designation is made by inclosing a space within lines and by writing in the space so inclosed the words "lot for depot building." Red lines appear on the platrunning along and across the spaces marked out and designated as streets. These red lines are four in number, and they lead to and pass the lot designated for the depot. A short time after the plat was executed Conner conveyed the lot to the predecessor of appellee, together with "free use and ocsuch railroad tracks, switches and turns as said company by its directors may see fit." Possession was taken, the main line of the road built as early as 1851, and a station erected, being continuously in use. The company seeks to maintain an additional track nuder the above grant. Held, that the company acquired title to the entire easement granted by Conner, and has the right to lay the additional track, and that the condition so annexed to the dedication of the streets does not take the highways from the control of the municipality. 15863. James Lillie vs. Augustus C. Troutman. Allen C. C. Affirmed. Miller. J .-1. When the sufficiency of a pleading has been passed upon by this court, that ruling will be adhered to on a second appeal, unless the same has been amended so

as to materially change its character. 2. When a judge has been called or an

attorney has been appointed to try a case,

as provided in Sec, 415, R. S. 1881, and no ob-

Malott et al. Lawrence C. C. Affirmed. Olds, J .- When land is granted with a

right of way that right is appartenant to any part of the land thereafter granted. When the way is granted for the benefit of the particular land and its use is limited to use in connection with the enjoyment of Successor to Wm. C. Anderson, said land such way cannot be converted into a public way without the consent of the grautors, who have the right to rely on its use being limited to the purpose of the grant, and they cannot prevent any other use. When parties dealing with the grant have knowledge of the grant they are bound to take knowledge of the grant and

of the rights of the grantee. 15216. John P. Bradfield et al vs. Lawson Newby et al. Hamilton C. C. Rehearing 16189. E. & T. H. R. R. Co. vs. Wm. A. Weike. Daviess C. C. Petition to advance

APPELLATE COURT OPINIONS. 207. Gerhard Brown vs. Jacob Loerch. Floyd C. C. Affirmed. Black, J.-A sheriff or marshal who makes an authorized levy upon goods under an execution or attach ment acquires thereby a special property in the goods of the defendant on which the levy is made, and the officer is entitled to the possession and control of the property. which by the levy is placed in the custody of the law. When property is in the actual or constructive possession of the officer by virtue of a levy, the receipt of a subsequent writ operates as a constructive levy thereof upon the property so in his possession. The fact that the officer without fraud has left the goods in the care of the execution defendant will not constitute an abandonment of the levy.

239. Wabash Railroad Company vs. Sam-

nel Williamson. Porter C. C. Affirmed. Robinson, J.-Under Section 4001 a company running trains over another company's track is liable for damages thereby, as though it owned the track. 2. A railroad company which allows or contracts with a party to put gates in the right of way fence to enable him to enter upon a private side-track, it is liable for damages resulting to all except the contracting party.
308. Springfield Engine and Thresher. Company vs. Mary Park, Tipton C. C. Reversed. Reinhard, J.-When, after notes were signed by a surety, the maker executed a mortgage to the holder without her knowledge, securing such notes, which mortgage provided that all notes, upon non-payment of any one, should mature upon option of the holder, held, as there was no injury of the surety's rights by the execution of such mortgage and the foreclosure thereof, she was not released. 2. When a contract of suretyship was entered into contemporaneously with the sale of property as a part of the same transaction, the contract of sale and suretyship must be construed together. 3. When a principal was sued on notes and a chattel mortgage securing the same and judgment recovered, to which the surety was not a party, such surety, in an action against him on the notes, may set up a breach of warranty growing out of the contract for which the notes were given, which was not pleaded by the principal, who is in-

287. Isaac Roberts vs. Levi Kendall. Hamilton C. C. Reversed. New, J.— When a conspiracy is once established and until the consummation of the object, if the conspiracy last that long, every act and declaration of one conspirator in pursuance of the original concerted plan is original evidence against each, but the existence of of a conspiracy cannot be established by the declarations or acts of one conspirator in the absence of others, unless the act or declarations were in themselves in execution or for the promotion of the common design. If the conspiracy has not yet been formed, or if it has ended by the consummation of the wrongful design, admissions of what has taken place are not admissible against those who were not present when such admissions were made.

257. William Cooper vs. Orin Ellis, Administrator. Howard C. C. Affirmed. Crumbacker, J.—The newly discovered evidence is a verbal admission tending to establish the same question as those testified to, and is merely cumulative. SUPERIOR COURT.

Room 1-Hon. Napoleon B. Taylor, Judge. Frederick W. Baugher vs. Munson Belting Company; attachment. On trial by Room 2-Hon, James W. Harper, Judge.

Charles A. Stevenson vs. Ætna Insurance Company; policy. On trial by jury. Room 3-Hon, Lewis C.-Walker, Judge. Indianapolis Grain and Feed Company rs. Mary E. Nickum et al.; account. Judg-

ment for \$90. Samuel L. Morrow vs. Lettie Cook; pos session. On trial by jury.

Louis Richter vs. Citizens' Street-railway Company; damages. Dismissed. New Suits Fried.

William J. Winslow et al. vs. Louis Hollweg et al.; account. Demand, \$1,694. Daniel White vs. Alice White; divorce Michigan Lumber Company et al. vs. udwig Brandenburg; account. Demand William Beasley et al. vs. Isaac Robey damages. Demand, \$105.

CIRCUIT COURT. Hon. Edgar A. Brown, Judge. Edwin P. Ferris vs. Engene Udell et al. to quiet title. On trial by court. New Sunt Filed.

George W. Crouse et al. vs. Victor B Jose; note. Demand, \$300. CRIMINAL COURT. Hon, Millard F. Cox, Judge.

State vs. Edward Doan; assault and battery. Finding of guilty and sentence of one day's imprisonment in the county jail and \$5 fine pronounced. ---Big Batch of Postal Cards.

The postoffice yesterday received a consignment of 700,000 postal cards from the depository at Chicago. There are two depositories of the Postoffice Department, one at Chicago and the other at Atlanta, Ga. The cards are made at Binghamton, Conn. The local office uses about \$7,000 worth of them every three months, or nearly \$30,000 worth a year.

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When mileage operated is considered, the Lake Eric & Western and the Chesapeake adult person. It is of the utmost importance that the blood should be kept as pure to the regularity of such appointment shall over last year, most of the roads in this apossible. Hood's Sarsaparilla has proven be deemed waived.

Eighteen Pounds of Blood

Eighteen Pounds of Blood

Is about the quantity nature allows to an adult person. It is of the utmost importance to the regularity of such appointment shall over last year, most of the roads in this appointment at the piction is made to his appointment at the class and labeled in the cause at the time, or to his sitting in the cause at the country. In speaking of the roads in this appointment at the piction is made to his appointment at the class and labeled in the cause at the country. Engraving. Dismond Mount to the regularity of such appointment shall be deemed waived.

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